

Approved for use through 11/30/2007. OMB 0651-0031

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RCE/X

## Request for Continued Examination (RCE) Transmittal

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	10/608,757
Filing Date	June 27, 2003
First Named Inventor	Yao Wang
Art Unit	2164
Examiner Name	Adams, Charles D.
Attorney Docket Number	EMC01-141CIP2

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a.  Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

- i.  Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_  
ii.  Other \_\_\_\_\_

- b.  Enclosed

- |   |   |
|---|---|
| i. <input checked="" type="checkbox"/> Amendment/Reply    | iii. <input checked="" type="checkbox"/> Information Disclosure Statement (IDS) |
| ii. <input type="checkbox"/> Affidavit(s)/ Declaration(s) | iv. <input type="checkbox"/> Other _____  |

2. **Miscellaneous**

Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a

- a.  period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(l) required)  
b.  Other \_\_\_\_\_

3. **Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

- The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments, to  
a.  Deposit Account No. 50-4414. I have enclosed a duplicate copy of this sheet.

- i.  RCE fee required under 37 CFR 1.17(e)  
ii.  Extension of time fee (37 CFR 1.136 and 1.17)  
iii.  Other \_\_\_\_\_

11/29/2007 AIRINH 00000054 10608757  
810.00 OP  
61 FC:1881

- b.  Check in the amount of \$ 990.00 enclosed

- c.  Payment by credit card (Form PTO-2038 enclosed)

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Signature		Date	November 27 2007
Name (Print/Type)	Carl A. Giordano	Registration No.	41780

**CERTIFICATE OF MAILING OR TRANSMISSION**

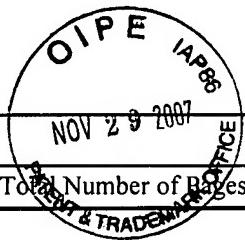
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Signature		Date	41780
Name (Print/Type)	Carl A. Giordano	Registration No.	

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

# TRANSMITTAL FORM



Total Number of Pages in this Submission:

**119**

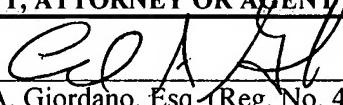
Docket No. **EMC-01-141CIP2**

## ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Authorization for the Commissioner to charge Deposit Account No. 50-4414 for fees associated with this transaction (in duplicate)	<input type="checkbox"/> Assignment Recordation Cover Sheet	<input type="checkbox"/> Petition for Revival of an Unintentionally Abandoned Application [37 CFR 1.137(b)] (in duplicate)
<input checked="" type="checkbox"/> Fee Transmittal (2 copies) <input checked="" type="checkbox"/> Check in the Amount of \$990.00	<input type="checkbox"/> Declaration/Power of Attorney	<input type="checkbox"/> Status Inquiry
<input type="checkbox"/> Utility Patent Application <input type="checkbox"/> Informal Drawings <input type="checkbox"/> Formal Drawings	<input checked="" type="checkbox"/> Revocation of and New Power of Attorney	<input type="checkbox"/> Form PTOL-85B, Part B -Issue Fee Payment Transmittal," (in duplicate)
<input type="checkbox"/> Response To Office Action <input type="checkbox"/> After Final	<input type="checkbox"/> Letter to Official Draftsperson with three (3) sheets of redlined changes to drawings	<input checked="" type="checkbox"/> Additional Enclosures: EMC ControlCenter Symmetrix Data Mobility Manger Version 1.5, Chapter 3 SQL Server 2000 Failover Clustering Updated June 18, 2002
<input checked="" type="checkbox"/> Request for Continued Examination Transmittal (2 copies) <input checked="" type="checkbox"/> RCE and Preliminary Amendment	<input type="checkbox"/> Copy of PTO 948, "Notice of Draftsperson's Patent Review"	<input type="checkbox"/> Certificate of Express Mail Mailing
<input type="checkbox"/> Extension of Time Request for _____ Month (2 copies)	<input type="checkbox"/> Certified Copy of Priority Document(s)	<input checked="" type="checkbox"/> Certificate of First Class Mailing
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Response to Missing Parts/Incomplete Application	<input checked="" type="checkbox"/> Postcard
		<input type="checkbox"/> Express Abandonment Request

## SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Date: November 27, 2007

  
Carl A. Giordano, Esq. (Reg. No. 41,780)  
Law Office of Carl Giordano, PA  
210 Route 4 East, Suite 103  
Paramus, NJ 07652

Tel: (201) 421-0865

## CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8]

I hereby certify that this correspondence and the above-referenced enclosures are being:

- Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop: RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
- Transmitted by facsimile on the date shown below to the Patent and Trademark Office at (571) 273 8300.

Date: November 27, 2007

  
Signature

Carl A. Giordano

NOV 29 2007

PTO/SB/17 (10-07)

Approved for use through 06/30/2010. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# FEE TRANSMITTAL

## For FY 2008

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

990.00

## Complete If Known

Application Number	10/608,757
Filing Date	June 27, 2003
First Named Inventor	Yao Wang
Examiner Name	Adams, Charles D.
Art Unit	2164
Attorney Docket No.	EMC-01-141CIP2

## METHOD OF PAYMENT (check all that apply)

- Check  Credit Card  Money Order  None  Other (please identify): \_\_\_\_\_
- Deposit Account Deposit Account Number: 50-4414 Deposit Account Name: Law Office of Carl Giorda

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

- Charge fee(s) indicated below  Charge fee(s) indicated below, except for the filing fee
- Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17  Credit any overpayments

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## FEE CALCULATION

## 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	310	155	510	255	210	105	_____
Design	210	105	100	50	130	65	_____
Plant	210	105	310	155	160	80	_____
Reissue	310	155	510	255	620	310	_____
Provisional	210	105	0	0	0	0	_____

## 2. EXCESS CLAIM FEES

## Fee Description

Each claim over 20 (including Reissues)

Each independent claim over 3 (including Reissues)

Multiple dependent claims

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Small Entity	Fee (\$)	Fee (\$)
- 20 or HP =	x	=		50	25	

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	Fee (\$)	Fee Paid (\$)
- 3 or HP =	x	=		210	105	

HP = highest number of independent claims paid for, if greater than 3.

## 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$260 (\$130 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number) x	=	

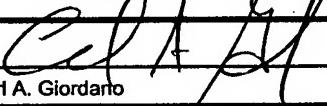
## 4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Fee for RCE (810) and IDS (180) filing

990.00

## SUBMITTED BY

Signature		Registration No. (Attorney/Agent) 41780	Telephone 201 421 0865
Name (Print/Type)	Carl A. Giordano	Date November 27, 2007	

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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